

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Appeal for denial of 2007 funding by USAC)	CC Docket No. 02-6
Schools and Libraries Division to the School)	
District of South Milwaukee, South)	
Milwaukee WI		

—APPEAL—
REQUEST FOR REVIEW AND WAIVER OF DECISIONS
OF THE UNIVERSAL SERVICE ADMINISTRATOR

Appellant:

School District of South Milwaukee
Attn: Jim Hendrickson
901 15th Avenue
South Milwaukee, WI 53172
(414)766-5053 – Office
jhendrickson@sdsd.k12.wi.us
BEN 132856

RE: Appeal for denial of 2007 funding for the following four funding requests:

FRN: 1630494
Form 470: 107410000622996
Form 471: 587578
Category of service: Internet Access
SPIN/Provider: 143001856, Wisconsin
Bell

FRN: 1630495
Form 470: 107410000622996
Form 471: 587578
Category of service:
Telecommunications
SPIN/Provider: 143025240, Cingular

FRN: 1630496
Form 470: 107410000622996
Form 471: 587578
Category of service:
Telecommunications

FRN: 1630497
Form 470: 107410000622996
Form 471: 587578
Category of service:
Telecommunications

Provider: 143001856, Wisconsin Bell

SPIN/Provider: 143001856, Wisconsin
Bell

To Whom It May Concern:

The School District of South Milwaukee is appealing the denial of 2007 funding for the above referenced funding requests. The denial was in a funding commitment letter we received dated June 29, 2007.

- *SLD's reason for denying all three funding requests:* Funding Year 2007 Form 471 was postmarked outside of the window.
- *District's rebuttal of the SLD's reason for denying the request:* Funding Year 2007 Form 471 was unfortunately filed outside of window because of staff turnover and reassignment.

During the 2007 application timeline, the School District of South Milwaukee experienced key staff turnover that resulted in the district missing the February 7, 2007, Form 471 filing deadline. In January 2007, our technology department unexpectedly lost one of our two technicians. As a result, the Technology Coordinator, who directly works with the E-rate application process, needed to assume duties of the departed technician and this monopolized much of his time. In addition, our current Director of Business Services was hired in January of 2006, at which time we attempted to change all E-Rate contact information to the Technology Coordinator so that all updates and information would go directly to him and not the previous Director of Business Services. When we filled out our 2007-2008 funding year application 470, the SLD's online system still was not referencing the correct personnel as the primary contact. For these reasons, we missed the deadline for our form 471.

We believe our appeal request to waive the FCC's regulation (47 C.F.R. § 54.507(c)) related to the Form 471 deadline has merit based on the facts as described above and the FCC's decisions reached in the Bishop Perry appeal, released May 19, 2006. In the Bishop Perry appeals the Commission specifically cited several reasons why it granted numerous appeals for the same reasons that support our

appeal. For example, paragraph 7 refers to various schools that successfully appealed their "failure to timely file an FCC Form 471." Paragraph 13 refer to delays in the filing the Form 471 because of "circumstances out of the applicants' control." Certainly the untimely staff turnover and vacancy we document above was both unanticipated and not in any fashion within our control. Paragraph 14 refers to late filings because the "only official who knows the process being unavailable to complete the application on time." Again, to reemphasize, in our situation the only person who knew the process (Technology Coordinator) had been reassigned technician duties because of the staff vacancy. We hope you will see that the reason we filed our 471 late was totally out of our control and that you will grant our request to waive the Commission's rules in this area and direct USAC to proceed with review of our Form 471.

We also think that from a broader perspective it is important to note that all Wisconsin school districts have been under state imposed budget restrictions for the past ten years. Denial of our appeal will further exacerbate our already difficult fiscal environment.

I hope you will see from the above information that our appeal has merit and that it should be granted. If you have any questions, please do not hesitate to contact me. Thank you for considering our request.

Sincerely,

Jim Hendrickson
Technology Coordinator
School District of South Milwaukee
South Milwaukee, WI 53172
jhendrickson@sdsd.k12.wi.us